

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

APPLICATION FOR APPROVAL OF EMPLOYMENT OF ATTORNEY

1. Applicant is the Trustee in this case.
2. Applicant believes that the employment of an attorney is necessary to represent or assist the Trustee in carrying out the Trustee's duties as follows: Conducting discovery and litigating avoidance actions and otherwise assisting the Trustee with legal matters as needed.
3. Randall L. Seaver and Fuller, Seaver & Ramette, P.A., are qualified by reason of practice and experience to render such representation or assistance.
4. Proposed compensation and reimbursement of expenses is as follows: \$390 per hour for Randall L. Seaver and \$100 per hour for Matthew D. Swanson, plus expenses. Mr. Swanson's rate will increase when he is admitted to the bar.
5. Said professional has disclosed to the undersigned that he has the following connections with the debtor(s), creditors, or any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee: None, except (a) Leonard, O'Brien, Spencer, Gale & Sayre, Ltd. ("Leonard O'Brien") represents other panel trustees in unrelated matters; (b) Brian F. Leonard of Leonard O'Brien is a panel trustee; (c) Randall L. Seaver is "of counsel" to Leonard, O'Brien and is also a panel trustee; (d) Randall L. Seaver maintains his offices at 12400 Portland Avenue South, Suite 132, Burnsville, MN 55337 and does not office with Leonard O'Brien or Gislason & Hunter, LP. The Trustee is also "of counsel" to Gislason & Hunter, LP. Leonard O'Brien has disclosed to Randall L. Seaver the following connections to other interested parties:
 - a) A shareholder of the Firm, Brian F. Leonard, is the Trustee in the case of ARC Ventures Holding Inc. and related cases of which entities the Debtors was the owner or principal.
 - b) The Firm represents Alliance Bank, which has a number of loans to various limited liability companies ("LLCs") which Debtor has an ownership interest. Alliance Bank also has loans directly out to Debtor,

and holds a security interest in Debtor's membership interest in some of the LLCs. Alliance Bank will be instituting foreclosure and other collection actions against the LLCs and may also need to be in some negotiation with the Trustee with respect to proposals for deeds in lieu of foreclosure from the Trustee, etc., regarding real estate owned by the LLCs.

- c) The Firm represented M&I Marshall and Ilsley Bank ("M&I Bank") in a transaction involving Debtor and a number of his corporate entities. The Firm regularly represents M&I Bank.
- d) This Firm represented Bremer Bank in transactions which involved DEH Properties, LLC and Mikden of Stillwater, LLC, corporations in which Debtor has or had an interest. This Firm regularly represents Bremer Bank.
- e) This Firm represented American National Bank, N.A. which involved DEH Properties, LLC, a corporation in which Debtor has or had an interest.
- f) Premier Bank is listed as a creditor in this case and has been a long-standing client of the Firm.
- g) Anchor Bank is listed as a creditor in this case and has been a long-standing client of the Firm.
- h) Associated Bank is listed as a creditor in this case and has been a long-standing client of the Firm.
- i) Bank of the West is listed as a creditor in this case. The bank has often requested the Firm's assistance with bankruptcy-related matters.
- j) The Firm represented Crown Bank in at least one matter in 2001 and may have provided other services prior to that date. No other representation has occurred since 2001.
- k) The Firm has previously represented GE Capital but has no pending matters.
- l) The Firm previously represented GMAC Mortgage.

- m) The Firm currently represents JP Morgan Chase Bank, N.A. in matters unrelated to this case.
- n) Venture Bank is currently a client of the Firm for matters unrelated to this case.

6. Eric Dove who was previously involved with the Hecker business entities is a cousin of Mike Dove who is an attorney in the firm of Gislason & Hunter, LLP. Gislason & Hunter, LLP is not being retained by the Trustee in this case.

7. The Trustee has made the following efforts to recover the asset prior to submitting this Application: The Trustee has reviewed documents and had discussions with various parties and believes representation is necessary.

8. The Trustee will not have Leonard O'Brien or FSR represent him in any matters related to ARC Ventures Holding, Inc., Alliance Bank, M&I Bank, Bremer Bank, Premier Bank, Anchor Bank, Associated Bank, JP Morgan Chase Bank, N.A. or Venture Bank.

Wherefore, applicant requests that the Court approve such employment by the Trustee.

Dated: October 1, 2009

/s/ Randall L. Seaver
Randall L. Seaver

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VERIFIED STATEMENT PURSUANT TO FEDERAL RULE 2014(a)

I, Randall L. Seaver and Fuller, Seaver & Ramette, P.A. named in the application for employment on behalf of the above named bankruptcy estate, declare under penalty of perjury the following:

1. I do not hold or represent any interest adverse to the estate and am disinterested as required by 11 U.S.C. §327.

2. I do not have any connections to the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the offices of the United States Trustee, except for the following: None, except (a) Leonard, O'Brien, Spencer, Gale & Sayre, Ltd. ("Leonard O'Brien") represents other panel trustees in unrelated matters; (b) Brian F. Leonard of Leonard O'Brien is a panel trustee; (c) Randall L. Seaver is "of counsel" to Leonard, O'Brien and is also a panel trustee; (d) Randall L. Seaver maintains his offices at 12400 Portland Avenue South, Suite 132, Burnsville, MN 55337 and does not office with Leonard O'Brien or Gislason & Hunter, LP. The Trustee is also "of counsel" to Gislason & Hunter, LP. Leonard O'Brien has disclosed to Randall L. Seaver the following connections to other interested parties:

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- e) This Firm represented American National Bank, N.A. which involved DEH Properties, LLC, a corporation in which Debtor has or had an interest.
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FULLER, SEAVER & RAMETTE, P.A.

Dated: October 1, 2009

By: /e/ Randall L. Seaver

Randall L. Seaver 152882
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Burnsville, MN 55337
(952) 890-0888

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ORDER

The Application to Employ Fuller, Seaver & Ramette, P.A. as attorney of the estate came before the undersigned. Based on the Application, the Recommendation of the United States Trustee, and pursuant to the provisions of Title 11, United States Code, §327,

IT IS HEREBY ORDERED the professional employment applied for is hereby approved subject to the limitations on compensation provided by Title 11, United States Code , §328.

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge